

## REMARKS

### I. Summary of Office Action

Claims 1-20, 35-37, 58, and 60-75 of which claims 1, 35, 58, and 60 are independent claims, are pending in the present application. In the office action mailed June 27, 2005, the Examiner (i) objected to claims 1 and 35 for incorporating the personal pronoun “his” instead of the indefinite article “a”; (ii) rejected claims 1-20, 35-37, and 60-75 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and (iii) rejected claims 1-20, 35-37, 58, and 60-75 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,338,094 (Scott).

The present Response is intended to be fully responsive to the objections and rejections raised by the Examiner and is believed to place the application in condition for allowance. Further, the Applicants do not concede any of the Examiner’s rejections or comments not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

### II. Amendments to the Claims

Applicants have amended claims 1, 3, 35, 58, and 60 and cancelled claims 4, 21-34, 38-57, and 59. Claims 1, 35, 58, and 60 have been amended to include a “web portal” and an “Application Program Interface (API)”. Claims 1 and 35 have been further amended to include language that describes “fitting” retrieved data to a format associated with the “web portal”. Also in claims 1 and 35, the personal pronoun “his” has been amended to the indefinite article “a”. Additionally, claims 58 and 60 have been further amended to include language that describes “receiving an integrated presentation” of a media-based device. Claim 3 has been amended to include a “web portal”.

### **III. Response to the Claim Objections**

Applicants have amended claims 1 and 35 so that the personal pronoun “his” has been changed to the indefinite article “a”.

### **IV. Response to the 35 U.S.C. § 101 Claim Rejections**

The Examiner rejected claims 1-20, 35-37, and 60-75 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicants have amended independent claims 1, 35, 58, and 60 to include language describing storing “on a computer readable medium and executed by a processor”. Applicants believe that the claimed computer readable medium provides a tangible embodiment of the claimed elements.

### **V. Response to the 35 U.S.C. § 102 Claim Rejections**

The Examiner rejected claims 65-68 and 74-99 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,338,094 (Scott). In order to anticipate a claim, a reference must teach every claim element. (MPEP § 2131). Applicants submit that Scott does not teach every claim element of claims 1, 35, 58, and 60.

Scott discloses a system for displaying video and audio by clicking a link for accessing a web page (Scott, Col. 3 lines 24-28). The video or audio may be downloaded prior to the user clicking the link (Scott, Col. 3 lines 34-37). Because downloading the video or audio may require a large amount of time or bandwidth, downloading may be done at a time when the user is not using the device (Scott, Col. 5 lines 58-62). This system may be used to provide a full motion video to a user that clicks on an advertiser’s banner (Scott, Col. 3, lines 61-65).

Although Scott discloses a system that stores a type of media (i.e., video and audio) which can be played at a later time by clicking on a link, Scott does not disclose Applicants system and method for remote control of a media-based device. Applicants disclose an Application Program Interface (API) which may be used to allow a user to remotely control a media-based device at a web portal. The API provides a variety of routines that may be used to perform a variety of functions for remotely controlling a media-based device (Specification, paragraph 165). One function the API provides is that it allows data received from a database concerning the media-based device to fit a format associated with a web portal (Specification, paragraph 166). A second function the API provides is to allow multiple portals to receive an integrated presentation of the media-based device. The integrated presentation may be used to simulate the media-based device in either a virtual or real time manner (Specification, paragraph 15).

Without addressing the merits of the Examiner's rejection, which are not conceded, Applicants note that claims 1 and 35 has been amended to include "fitting the retrieved data, via the API, to a format associated with the web portal". With regard to independent claim 58, Applicants have amended claim 58 to include "the program code being transmitted to an Application Program Interface (API) that enables the web portal to receive an integrated presentation of the media-based device". And, with regard to claim 60, Applicants have amended claim 60 to include "receiving at the web portal an integrated presentation of the media-based device from an Application Program Interface (API)". In view of this, Applicants submit that Scott does not disclose, teach, or suggest each and every claimed element of claims 1, 35, 58, and 60. Therefore, Applicants submit that Scott does not disclose, teach, or suggest each and every claimed element of claims 1, 35, 58, and 60.

Because claims 2, 3, 5-20 depend from claim 1, claims 36-37 depend from claim 35, and claims 61-75 depend from claim 60 they include all of the limitations of their respective parent claims. Therefore, claims 2, 3, 5-20, claims 36-37, and claims 61-75 distinguish Scott for the same reasons as their respective parent claim.

**V. Conclusion**

For the reasons set forth above, Applicants submit that claims 1-3, 5-20, 35-37, 58, and 60-75 are in condition for allowance and respectfully request the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned representative at 312-913-3332.

Respectfully submitted,

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By: 

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